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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,047	12/11/2001	Michael David Uri	2067	4824

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EXAMINER

HANSEN, JAMES ORVILLE

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 02/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/016,047

Applicant(s)

URI, MICHAELDAVID

Examiner

James O. Hansen

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-10 is/are pending in the application.
- 4a) Of the above claim(s) 4,5 and 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 6-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. It is noted that the "claim descriptors" for claims 4-5 & 10 should be recited as: (currently withdrawn) when addressing these claims in future correspondence.

Claim Objections

1. Claim 1 is objected to because of the following informality. In line 5, the phrase "the upper end" should be changed to --an upper end-- thereby providing a distinctly clear antecedent basis for the element. Likewise, in line 9, the phrase "the bottom" should be changed to --a bottom-- for the same reason. Appropriate correction is required.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 1, 3 & 6-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In Claim 1, it is now unclear as to whether the applicant is positively claiming a "towel" in combination with the cabinet. The preamble does not specifically claim a towel, e.g. "A towel warmer and dryer cabinet" line 1, that is further substantiated with the claimed recitation of "for hanging a towel..." in line 9; but further down in the claim there appears to be a positive recital of structure (line 12, "integrally connecting said cabinet and said towel and support members together") indicating that the "towel" may now be positively being claimed in

Art Unit: 3637

combination. Applicant is required to clarify the disclosed claimed material, making the language of the claims consistent with applicant's intent. In claim 1, line 15, the recitation "said open front end" does not have a proper antecedent basis [should this be "open front side" instead?]. Consequently, the remaining claims are rejected because they are dependent upon an indefinite claim.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Barnsteiner [U.S. Patent No. 2,225,762]. The examiner has taken the position that a towel is not positively being claimed in combination with the cabinet. Barnsteiner (figures 1-11) teaches of a towel warmer and dryer cabinet substantially as claimed as noted in Exhibit A. The structure is capable of allowing a towel to hang downwardly from the support rod towards a bottom of the cabinet and configured to enable movement of the at least one support rod through the open side of the cabinet while maintaining the support rod adjacent an upper end of the cabinet [as viewed when the support rod is minimally retracted from the cabinet].

As an aside, it is further noted that the "rod support members" could be viewed as members (22) of the cited art, while the "support rod" would then be considered as member (24) of the cited art, and the securing means could then

Art Unit: 3637

be considered as members (14) integrally connecting the cabinet and the support members and configured to enable movement [due to their alignment with respect to each other -along each side wall and in conjunction with the opposite side wall] of the rod through the open side of the cabinet, for example.

Response to Arguments

3. Applicant's arguments filed February 2, 2004 have been fully considered but they are not persuasive. In regards to applicant's remarks concerning the mentioning [or lack thereof as professed by applicant] of element "24" in the cited art, note the following: in column 2, lines 18-22 disclose that the "flutes" will support a rack 24 or the like". In regards to applicant's remarks concerning "the positive attachment of the rod support members to the cabinet, which the Examiner acknowledges is not shown or suggested" by the prior art, note the following: the examiner can find no evidence now of record to substantiate applicant's assertion. The examiner has indicated allowable subject matter concerning the securing means when set in the context of a "pivot means" as stipulated in claim 3 for example, but has not stated that the prior art is void of a "positive attachment" in as much as section d) of claim 1 is concerned. Lastly, it is noted that contrary to applicant's assertion that the structure recited in section d) of claim 1, affords movement of the support rod between the positions, the examiner still contends that the language utilized only sets forth that the "securing means" is ***configured to enable movement*** of the rod through the open side; as such, it is viewed that the structure supporting the rod in the prior art is capable of affording such movement in as

Art Unit: 3637

much as no structural elements or aspects are set forth so as to achieve the desired function [hence, claim 3 limitations].

Allowable Subject Matter

4. Claims 3 & 6-9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

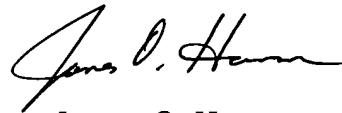
Any inquiry concerning this communication or earlier communications from the examiner should be directed to James O. Hansen whose telephone

Art Unit: 3637

number is 703-305-7414. The examiner can normally be reached on Mon.-Fri. 8-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James O. Hansen
Primary Examiner
Art Unit 3637

JOH
February 18, 2004

Exhibit A

